



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF KISKIMINETAS COMMUNICATIONS LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 11-13
Comp. Pol. File No. 976

Comments Due: February 7, 2011

Section 214 Application

Applicant: Kiskiminetas Communications LLC

On January 6, 2011, Kiskiminetas Communications LLC (Kiskitel or Applicant), located at 1999 Gulfmart Street, Suite 514, San Antonio, TX 78217, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services in Florida, Kansas and Texas (collectively Service Areas).¹

Kiskitel indicates that it currently provides resold domestic interstate, interexchange and international long distance services via prepaid calling cards. Kiskitel explains that its calling card services are discretionary services that are temporary in nature, and that its cards are not renewable so customers must purchase a new card if they want to continue service after the funds on their card are depleted. Kiskitel further explains that each card states that it becomes invalid after either six months or one year, depending on the type of card purchased. Kiskitel indicates that its prepaid calling cards are sold through three wholesale distributors in Florida, Kansas and Texas who in turn sell the prepaid calling cards to convenience stores. Kiskitel states that it now plans to discontinue these services on or after January 31, 2011, subject to regulatory approval.² Kiskitel indicates that its distributors do not maintain lists of end-user customers and that it is impossible for Kiskitel to determine who has purchased its calling cards at the retail level. Kiskitel maintains, however, that in order to ensure compliance with the notice requirements of Section 63.71(a) under these circumstances, it sent notices dated January 3, 2011 to each of its wholesale distributors via electronic mail. Kiskitel states that these notices included all of the information required under the rules. Kiskitel indicates that these notices also instructed Kiskitel's wholesale distributors to post the notice at the location where the calling cards are sold. Kiskitel asserts that it also has recorded an automated audio message on its long-distance access code number that notifies users of the proposed discontinuance of service and provides the contact information for Kiskitel's customer service department in case there are any further questions regarding the proposed

¹ Kiskitel's application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on January 18, 2011.

² Discontinuance of international service is governed by 47 C.F.R. § 63.19.

discontinuance. In addition, Kiskitel indicates that all of the relevant information regarding the proposed discontinuance has been placed on its website at www.kiskitel.com. Kiskitel states that it is considered non-dominant with respect to the services to be discontinued.

We seek comment on Kiskitel's proposed discontinuance of service, including the steps it has taken to notify customers, in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules and given Kiskitel's stated inability to provide conventional notification to the end users that use its services. In accordance with section 63.71(c) of the Commission's rules, Kiskitel's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies Kiskitel that the grant will not be automatically effective. In its application and notice to its wholesale distributors, Kiskitel indicates that it anticipates discontinuing service on or after January 31, 2011, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of Kiskitel's application and notices, absent further Commission action, Kiskitel may terminate the affected services in the Service Areas on or after **February 21, 2011**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **February 7, 2011**. Such comments should refer to **WC Docket No. 11-13 and Comp. Pol. File No. 976**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Kimberly Jackson, (202) 418-7393 (voice), kimberly.jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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